

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

1-36 Canceled

37. (new) A heat exchanger for use within a rotary kiln that includes a cylindrical steel shell with an internal refractory lining, said heat exchanger comprising a first, configuration and a second, installed configuration, said heat exchanger, in the first, loose configuration, comprising at least three loose, refractory legs, each one of the legs comprising:

a foot,

a distal end opposing the foot, and

a body extending between the foot and the distal end, each one of the legs is continuous between the foot and the distal end, thereby forming a single-leg unit, and said heat exchanger, in the second, installed configuration that is formed within the kiln from the loose legs, having:

each one of the continuous, single-leg units oriented substantially radially inwardly from proximate the shell, metallic members including a planar surface for receiving the feet of the legs, and

said distal ends being adjoining.

38. (new) The heat exchanger of claim 1 wherein each one of the distal ends contacts adjacent ones of the distal ends.

39. (new) The heat exchanger of claim 1 wherein each one of the distal ends is in close proximity to adjacent ones of the distal ends without direct contact therebetween.

40. (new) The heat exchanger of claim 3 wherein each one of the distal ends is separated from adjacent ones of the distal ends by a layer of mortar.

41. (new) The heat exchanger of claim 1 wherein the ends of the legs are separated by spacing members having a surface in contact with at least two of the legs.



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**PATENT**

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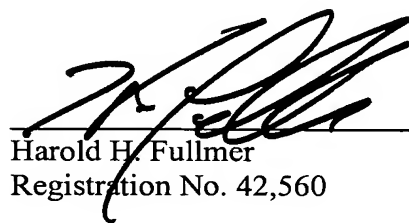
**Preliminary Amendment - First Action Not Yet Received**

42. (new) The heat exchanger of claim 5 wherein the spacing members are disposed between ends of adjacent legs.

43. (new) The heat exchanger of claim 1 wherein said distal ends are flat such that each one of the mating surfaces lack interlocking protrusions and recesses.

44. (new) The heat exchanger of claim 1 wherein said ends include protrusions and recesses.

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Harold H. Fullmer  
Registration No. 42,560

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439